United Nations A/AC.109/PV.1439

General Assembly

Official Records

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1439th Meeting

Friday, 15 July 1994, 10.30 a.m.

New York

Acting Chairman: Mr. Remirez de Estenoz Barciela . . . . . (Cuba)

The meeting was called to order at 11 a.m.

Question of New Caledonia (A/AC.109/1197 and A/AC.109/L.1820)

The Chairman *(interpretation from Spanish)*: In connection with the agenda item on the question of New Caledonia, members have before them a draft resolution sponsored by the delegations of Fiji and Papua New Guinea, contained in document A/AC.109/L.1820, which was circulated on 13 July last. I now call on the Permanent Representative of Papua New Guinea to introduce the draft resolution.

Mr. Samana (Papua New Guinea): Before introducing the draft resolution, I wish to submit the following three amendments.

Operative paragraph 3 of the draft resolution begins with the words,

> "Welcomes measures which have been taken to strengthen and diversify the New Caledonian economy in all fields".

After the word "fields" I would add

> ", including the commissioning of the new Société métallurgique le Nickel mine at Kopeto and the establishment of new aquaculture projects,".

The current wording of paragraph 5 should be replaced with the following wording:

> "Acknowledges the contribution of the Melanesian Cultural Centre to the protection of the indigenous culture of New Caledonia;".

In paragraph 7, the words "the French authorities" should be replaced by the words "the French and provincial authorities".

It is my pleasure now to introduce, on behalf of the sponsors - Fiji and my own country, Papua New Guinea - the draft resolution (A/AC.109/L.1820), as orally revised.

We would like to take this opportunity to thank all members of the Committee for their continued support and for their interest in ensuring that a complete and genuine decolonization process is effectively achieved in New Caledonia. We are also pleased to inform the Committee of the support and cooperation of the administering Power in achieving the final outcome, which we believe is a balanced text that takes into account the interests of all parties concerned in the process leading to self-determination in New Caledonia.

This draft resolution is much the same as previous ones, with a few minor revisions that in no way change or alter either its meaning or its purpose. My delegation is firmly of the view that appropriate action should be taken by all concerned parties to ensure that the important elements reflected in this draft resolution, as well as all other efforts, are effectively implemented to lend meaning to the decolonization process in New Caledonia.

As members are no doubt aware, my country is totally committed to ensuring the full implementation of this draft

94-86064 (E)

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resolution, and to ensuring that complete self-determination is effectively achieved not only in New Caledonia but in all remaining Non-Self-Governing Territories around the world. This also conforms with the United Nations mandate to achieve the total eradication of colonialism by the year 2000.

It is also my honour to inform the Committee that last Tuesday, leaders attending the eighth Melanesian Spearhead Group summit in Honiara reaffirmed their unwavering support for and commitment to the decolonization process in New Caledonia and, further, called on the signatories of the Matignon Agreements to honour their respective commitments and pursue political dialogue leading to a referendum.

The Melanesian leaders urged all indigenous political parties in New Caledonia to be more serious about adopting a common, collective approach towards political, economic and other developments as they move towards a referendum on self-determination.

Papua New Guinea wishes to welcome and to express its support for efforts already made by the French Government and other parties involved in the decolonization process in New Caledonia. We believe that the provisions of the Matignon Agreements should provide an opportunity for all parties further to enhance efforts to ensure that self-determination is effectively realized.

Yet we are of the view that self-determination in that Territory can be drastically affected if the interests of all parties, particular those of the indigenous Kanak population, are not adequately reflected and addressed. For instance, Papua New Guinea has come to believe that until a genuine act of self-determination has been held in New Caledonia, France's immigration policy could exacerbate the position in which the Kanaks find themselves, that of a minority in their own ancestral home.

In that regard, and in connection with the electoral body agreed upon for the 1998 referendum, the Special Committee should urge the Administering Authority to give special attention to compiling the lists of voters. This is a very delicate issue, which my delegation believes should be addressed adequately, particularly if the interests of the indigenous Kanak population are to be taken seriously and not marginalized.

We also urge the Committee to recommend that the General Assembly call upon France to adhere to United Nations principles in organizing the referendum, and to take the steps necessary to ensure that the various options to be placed on the ballot, including the option of independence, be clearly defined so as to provide the populations concerned with the information they need.

Papua New Guinea is of the firm view that there has been slow progress in a number of other crucial areas, including the training of Kanaks in all relevant fields. My delegation is also of the firm view that the indigenous Kanak population should be enabled to know their rights as recognized both by their traditional values and practices and by international law, including their right to own and exploit their natural resources in order to provide opportunities for their people to participate in the development of their country.

My delegation therefore wishes to call on the international community, and on the Special Committee in particular, to ensure that the Kanaks are in a position freely to exercise their right to self-determination, including their inherent fundamental right to be protected under whatever form of government they may choose when the referendum comes about.

History has taught us that France is a country that pioneered freedom, liberty and respect for humanity. It is in that spirit that we are very optimistic about the administering Power's desire to see a positive outcome in New Caledonia.

Papua New Guinea is fully committed to the United Nations decolonization process; it is line with that commitment that we continue to assist colonized countries and peoples in advancing towards the exercise of their inalienable rights of self-determination and independence.

The sponsors hereby submit the draft resolution, as orally revised, and commend it to the Committee for adoption.

Mr. Seniloli (Fiji): I wish to support the statement the representative of Papua New Guinea has just made concerning the draft resolution on the question of New Caledonia. I wish also to add that the South Pacific countries represented in the United Nations endorse the draft resolution. I therefore urge the members of the Committee to adopt it by consensus.

The Chairman *(interpretation from Spanish)*: May I take it that the Committee wishes to adopt the draft resolution contained in document A/AC.109/L.1820, as

orally revised by the Permanent Representative of Papua New Guinea, without a vote?

Draft resolution A/AC.109/L.1820, as orally revised, was adopted.

The Chairman (*interpretation from Spanish*): The Committee has thus concluded its consideration of the item entitled "Question of New Caledonia".

Report of the Subcommittee on Small Territories, Petitions, Information and Assistance (*continued*)

Questions of American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Tokelau, Turks and Caicos Islands and United States Virgin Islands (A/AC.109/L.1815)

Mrs. Khan-Cummings (Trinidad and Tobago): Since our last discussion on the amendment to the ninth preambular paragraph of the general section of draft consolidated resolution A/AC.109/L.1815 I have had consultations, and in order to accommodate the legitimate questions posed by my colleagues on the technical matter of reference to the Programme of Action of two recently concluded global Conferences, held in Yokohama, Japan and Bridgetown, Barbados, for which reports have not yet been submitted to the General Assembly, as well as the concern over other related conferences which may have some bearing on this preambular paragraph, I submit a revised amendment, which has been circulated to members of the Committee, it is to be inserted after "degradation",

> "and in this connection bearing in mind deliberations in all related international conferences, including Agenda 21, the World Conference on Natural Disaster Reduction and the Global Conference on the Sustainable Development of Small Island Developing States".

My delegation is of the view that since most of the Non-Self-Governing Territories considered in the draft consolidated resolution are small island Territories, this amendment could only improve this section of the draft resolution.

The Chairman (*interpretation from Spanish*): I thank the representative of Trinidad and Tobago for her efforts, using as a basis the original proposal, and for all the consultations which have led to this result.

May I take it that the Committee adopts the report and the consolidated draft resolution, as orally amended, as a whole, without a vote?

The report of the Subcommittee and the consolidated draft resolution, (Parts A and B (draft resolutions on nine Territories)), as orally amended, were adopted.

Activities of foreign economic and other interests which impede the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under colonial domination (A/AC.109/1191 and A/AC.109/L.1822) (*continued*)

The Chairman (*interpretation from Spanish*): I wish to draw attention to draft resolution A/AC.109/L.1822, submitted by the Chairman, which was circulated yesterday morning. Does any member wish to speak on the draft resolution?

Mr. Sergeev (Russian Federation) (*interpretation from Russian*): We welcome the fact that what was previously unacceptable concerning the apartheid regime has been removed from the draft resolution. However, we are concerned about the unbalanced nature of the draft, which has only a negative perception of the activities of foreign economic and other interests. In our opinion, such activities can also have an important consequence for the social and economic development of Non-Self-Governing Territories, if they are not contrary to the interests of the people of the Territories. We believe that it would be good for the functioning of the Special Committee not to adopt this traditional draft. Many positive aspects of the activities of foreign economic and other interests have been included in General Assembly resolutions; one need only consult the omnibus resolution on this subject. Accordingly, we request that the draft resolution be put to a vote and that it not be adopted.

The Chairman (*interpretation from Spanish*): The Committee will now take action on draft resolution A/AC.109/L.1822.

Draft resolution A/AC.109/L.1822 was adopted by 17 votes to 0, with 1 abstention.

Military activities and arrangements by colonial Powers in Territories under their administration (A/AC.109/1191 and A/AC.109/L.1823) (*continued*)

The Chairman (*interpretation from Spanish*): I wish to draw attention to draft decision A/AC.109/L.1823,

submitted by the Chairman, which was circulated yesterday morning. Does any member wish to speak on the draft decision?

Mr. Sergeev (Russian Federation) (*interpretation from Russian*): Adopting this draft decision would be of questionable value. We think that repeating this kind of decision year after year does not reflect today's reality; it is not based on the real facts of today. It is confrontational, and we feel it is not necessary to adopt a separate decision, because some aspects of military activities are included every year in the omnibus resolution of the General Assembly. The Russian delegation therefore opposes adopting this draft decision.

The Chairman (*interpretation from Spanish*): The Committee will now take action on draft decision A/AC.109/L.1823.

Draft decision A/AC.109/L.1823 was adopted by 17 votes to 1.

One hundred and first report of the Working Group (A/AC.109/L.1821)

The Chairman *(interpretation from Spanish):* The one hundred and first report of the Working Group is contained in document A/AC.109/L.1821. Does any member wish to comment on the report?

Mr. Goel (India): At a meeting of the Working Group, my delegation raised what was essentially a procedural point, basically with a view to facilitating the work of the Committee in a transparent manner and in accordance with the mandate given to the Committee. Similarly, the following proposal is entirely procedural.

With regard to paragraph 4 of the report, I invite the attention of the members of the Committee to the penultimate sentence which addresses the way in which the invitations to the various seminars would be accepted. It reads:

> "In accordance with established practice, the Chairman would hold consultations with the Bureau members who, in turn, would consult with the members of the Committee from their respective regional groups."

It is obvious that invitations may often be extended to the Committee at very short notice, perhaps as short as a week's notice. At that stage, it may not only prove to be tedious but may at times even create difficulties for the Bureau members to go around consulting the various members of the regional groups.

To facilitate that process of consultation, I propose the insertion of the following sentence immediately following the one I have just read out:

> "Information on such invitations should be conveyed to members of the Committee so that they are able to offer their views on the matter before a specified deadline."

This addition takes into account the urgency of the matter. It would relieve the Chairman and the other officers of the burden of soliciting members' views on such invitations. It would then be up to each member to convey whatever views he may have on the subject to the Committee Chairman, through the Secretariat.

That, in my view, would facilitate and expedite the process of such communication. It is the only purpose of this amendment.

Mr. Bangali (Sierra Leone): The proposal has some merit; my only concern is that, should any member of the Committee express a dissenting view on any invitation that is extended to the Committee, it is liable to lend weight to the argument that Bureau members should engage in consultations with members of regional groups.

I am of two minds about this proposed amendment. Much of it appears to be relevant, but the nuances are not so clear to me. I have a feeling that we are not going to be getting 100 per cent agreement on some of the invitations that we will be receiving. Of course, every delegation has the right to express its views, but should there be a dissenting view, then of course the onus will again be on the Bureau members to enter into negotiations or consultations.

From that point of view, I do not think that this proposal adds much to what we already have.

Mr. Goel (India): I very much appreciate the views offered by the representative of Sierra Leone. I fully take his point that there will not be 100 per cent agreement on the invitations, but that is not the objective of this amendment.

As I said earlier, the idea is to facilitate the consultation process by relieving the Chairman and the

other officers of the Committee of the burden of initiating consultations with individual members of the Committee. Instead, members would be obliged to submit their views to the officers of the Committee without waiting to be approached. The consultation process itself would remain unaffected, as would the process of arriving at a decision to participate in a seminar, or anything else. In that way, all members of the Committee would have advance notice of any invitation and be in a position to submit their views to the Committee Chairman or the Secretariat in a timely fashion. By the same token, no delegation would be able, at a later stage, to claim that it was precluded from stating its views.

Mr. Bangali (Sierra Leone): If it is the wish of the Committee to adopt this proposal, I will go along with it. But my concern, again, is precisely what the representative of India has tried to explain: the time frame. Let us assume that we receive an invitation on Monday and that we need to reply by Friday. I, of course, have no objection to Committee members' being informed of the receipt of that invitation; but, should certain delegations not want that invitation to be accepted, we would presumably need to convene a meeting in order to discuss it. I am certain that, by the time Friday arrives, we will not have had time to take a decision.

As I said earlier, the proposal looked reasonable to me when I read it, but my concern is the time constraint. Any delegation can say, "I do not think we should go on this trip"; that is its right. We have to agree as a Committee to take a decision which affects the entire membership of the Committee - that is my concern. But if other members of the Committee find the proposal acceptable, then I will go along with it.

The Chairman *(interpretation from Spanish):* The Vice-Chairman's concern is quite valid: If the invitation comes on Monday and must be responded to by Friday, replies from the members of the Committee will need to arrive by Wednesday or Thursday, let us say. That is the only question at issue. We would simply be setting a deadline by which the members of the Committee should reply. Once that deadline has passed, then the consultation process is deemed to have been complete, and the consultations are over. Does the representative of India agree?

Mr. Goel (India): As I explained before, I fully appreciate the concern expressed by the representative of Sierra Leone. Taking the example he gave, let us suppose that the invitation arrives on Monday and must be answered by Friday. The process of consultation and decision-making does not stop when the member delegations have given their views.

How are decisions taken now? They are taken by the Bureau, by the Chairman, taking into account how they perceive the members of the Committee would react to such an invitation. But how do we ensure that all delegations have been consulted? If three Bureau members must consult every delegation, this can become a very tedious process. Instead, each delegation now becomes responsible for letting the Secretariat know what it thinks, if it does in fact have a view.

Suppose the invitation asking for a delegation's views arrives on Monday with a request that the Member State respond that Wednesday. After the response is known, and taking into account the general views that have filtered through to the Secretariat, the Chairman and the other members of the Bureau would again decide on that matter as they are doing now, taking these views into account. So that does not change. It only facilitates the consultation process. And if the invitation were to arrive on Monday and the decision must be taken by Friday, within two or three days it would become very difficult for the Bureau members to ensure that consultation with all members had taken place, and the process would become a lengthy and tedious one.

If there is concern as to the time frame, and if the representative of Sierra Leone has an alternative approach in mind, I am fully open to it. But it is not the kind of time frame that is graven in stone; it is just to facilitate the process of consultation.

Mr. Nkounkou (Congo) *(interpretation from French):* I understood the Vice-Chairman to say earlier that he would not object if the whole of the Committee agreed to the proposal, so I believe that we can adopt it straightaway.

The Chairman *(interpretation from Spanish):* I agree.

May I take it that the Committee adopts the report as orally revised?

The one hundred and first report of the Working Group (A/AC.109/L.1821), as orally revised, was adopted.

ORGANIZATION OF WORK

The Chairman *(interpretation from Spanish):* As members of the Committee are aware, there are still two items on the agenda, namely, the item relating to the specialized agencies and the report of the upcoming visiting mission to Tokelau.

In respect of the specialized agencies, the Economic and Social Council will be considering this item on 22 July 1994. It is customary for the Chairman to participate in the Council's consideration and to report back to the Committee. The Committee then formulates a resolution based on that of the Economic and Social Council.

The other matter pending before the Committee is the report of the Visiting Mission to Tokelau. As soon as that report has been issued, the Committee will hold one or two meetings at the end of August or the beginning of September, before the session of the General Assembly, to consider the report of the Mission as well as the item relating to the specialized agencies. The Committee will then conclude its session for the year.

In view of all the hearings granted during this session, the evolution of work in the Committee and in the United Nations in general and developments in the international situation, I believe that it would be well for members of the Committee and its organs - the Bureau and the Working Group - to carry out a study of the Committee's work, focusing on the various ideas put forward by the petitioners and on the agreements contained in the documents we have adopted. Given the importance of such an analysis to the Committee's future work, our modus operandi would be determined collectively.

For all these reasons we feel that now, more than ever, our Committee's work is becoming more and more important; as a number of speakers have stated this week, we have a commitment and a responsibility to both the General Assembly and the international community in the struggle for decolonization. The principles of the Committee are still totally valid, as are the reasons behind its establishment, and I feel that we should, within guidelines to be agreed upon in the Committee, carry out such a study in order to discharge that responsibility.

As no other member of the Committee wishes to speak, we shall conclude today's meeting. I thank all members of the Committee for their valuable help in achieving the decisions we have reached. I should also like to thank the Secretariat staff for its support this week and the interpretation team for its valuable work and its patience with all of us.

The next meeting of the Committee will be announced in the Journal. I wish you all a pleasant summer.

The meeting rose at 11.45 a.m.

United Nations A/AC.109/PV.1440

General Assembly

Official Records

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1440th Meeting

Thursday, 15 September 1994, 3 p.m.
New York

Acting Chairman: Mr. Remerez de Estenoz Barciela . . . . . (Cuba)

The meeting was called to order at 3.25 p.m.

Question of Tokelau

(a) Report of the United Nations Visiting Mission to Tokelau, 1994 (A/AC.109/2009; A/AC/109/L.1825)

(b) Draft resolution (A/AC.109/L.1825)

The Chairman *(interpretation from Spanish)*: I call on Ambassador Amor Ardhaoui, the Chairman of the Visiting Mission to Tokelau, to introduce the report.

Mr. Ardhaoui (Tunisia), Chairman of the United Nations Visiting Mission to Tokelau, 1994 *(interpretation from French)*: Allow me first, Mr. Chairman, to perform a most pleasant duty, that of wishing a very happy birthday to Mr. Abrous, our Committee Secretary, since I understand that he celebrates his birthday today. I will not say which one.

Members have doubtless familiarized themselves with document A/AC.109/2009, dated 7 September, which contains the report of the Visiting Mission that the Committee sent to Tokelau. Before I go into the details, Mr. Chairman, I should like, on behalf of the members of the Visiting Mission, to thank you and the other members of the Committee for the trust placed in us, the members of the Mission, and for having been kind enough to entrust us with visiting Tokelau and New Zealand.

I should also like, on behalf of the members of the Mission, to thank the authorities of Tokelau and New Zealand, first for their invitation and then for their warm welcome and hospitality, and also for having so greatly facilitated the work of our Mission, which was from all points of view most pleasant and, I hope, fruitful. The details of the Mission are set out in the report, but in introducing it I would like to recall the main points of our visit.

As members are aware, the situation in the Territory concerned, Tokelau, is not an easy one from any point of view, because of its particular circumstances, its isolation, its geophysical structure and the many other difficulties mentioned in the document.

The Visiting Mission noted that there is a lack of land and that the soil, deriving from coral, is barren. It is hard as rock, nothing grows in it except a few types of trees and bushes. Although the country - the three atolls which make up Tokelau - is beautiful, splendid, with its unpolluted sea, the land is arid and infertile. This, I think, is the heart of the problem of the Territory. The coconut palm and the breadfruit tree are the major crops on these atolls.

There is no meat in the Territory; it must all be imported. A few chickens and pigs are raised here and there on the atolls, but most things are imported. Fishing is the inhabitants' main resource; it provides both subsistence and revenue. It is perhaps the most important source of foreign currency, as a result of a fishing agreement between Tokelau and the United States. We were given figures: over a five-year period the income from that agreement rose to $1,530,000. That figure does not sound great, but we were told that an additional $422,000 is earmarked for development projects.

94-86340 (E)

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I am describing the economic situation to try to explain the behaviour of the inhabitants during our visits, and their choice, which result from their special situation, from the particular living conditions on the atolls. Other sources of revenue, we were told, are taxes on alcohol and cigarettes and on the salaries of a few civil servants on the atolls.

The other members of the Mission and I asked ourselves many questions on this subject. We wondered how a country so isolated, so lost in the South Pacific, can possibly survive the bad weather and the infertile soil - that soil of coral rock on which only coconut palms and breadfruit trees grow. We tried, based on our limited experience in the economic and other spheres, to find solutions, but each solution raises its own problems. For instance, we wondered why a country as beautiful as Tokelau was not a tourist destination. First, a tourist destination, even if remote, is easily accessible. We took the boat from Apia, in Western Samoa - the closest land to Tokelau - to sail 500 kilometres to the islands of Tokelau. It took two days and two nights to get there, and we were able to see how difficult and dangerous it is to get to those islands. This, I believe, is one of the major problems facing the atolls: access and communications.

We were told that the problems of subsistence were resolved in part through budgetary support from New Zealand, the administering Power. Clearly, the population wishes to continue to be able to count on that support, and the final decision to be taken by the inhabitants will naturally take that into account. Therefore, the desire to fend for themselves and the need to take into account certain facts of life have made the inhabitants think in terms not of separation but of a solution to retaining a New Zealand presence while granting them a measure of autonomy.

In giving a general introduction to the report, I should like to touch on certain paragraphs. Members will have noted that the report gives prominence to the statement made to us by the *Ulu* - the highest authority - in the presence of all the country's leaders, which are mentioned in the report. It can be said, therefore, that he spoke on behalf of the entire population and in accordance with its wishes.

Members will note that the report speaks of the initiative taken by the *Ulu-o-Tokelau* to cope with the difficulties faced by the population in its search for an ideal future. Before exercising self-determination, he told us, certain problems needed to be solved and certain questions raised with the administering Power. Matters should develop slowly until the inhabitants can decide their future.

Without going into excessive detail, the *Ulu-o-Tokelau* told us, on behalf of all the people, at a final meeting, towards the end of our stay in the Territory, of their future choice. For us, the members of the Mission, the choice is clear: the population has chosen the status of free association with New Zealand. This would involve the Territory's executive, legislative, administrative and fiscal independence.

What does free association with New Zealand mean to the inhabitants? As the report shows, it implies a certain internal autonomy, while external relations, foreign policy and defence remain in the hands of New Zealand. We were told that Tokelau wishes to be informed in advance of everything concerning it regarding foreign policy, agreements, conventions and relations with other countries.

That is the essence of what we learned from our long stay in Tokelau and following our very lengthy negotiations and talks at all levels on the three atolls with all their leaders. The future choice of Tokelau is therefore clear: free association with New Zealand, which implies certain things that I have just covered.

I cannot conclude without a word about the Mission itself. As its Chairman, I should like to thank all my colleagues. I encountered few problems, given the outstanding quality of the members of the Mission. They all lived up to their responsibilities; they assisted me at all times; they spoke; they explained; they tried to do everything possible to ensure the success of this United Nations Mission. That is why I should like to pay tribute to them today and to thank them for their kind assistance to the Chairman. In particular, I should like to thank Ambassador Samana of Papua New Guinea, Mr. Andrew Bangali of Sierra Leone and Ms. Cecilia Mackenna of Chile. I also give particular thanks to Mr. Nour Eddine Driss, the Principal Secretary who accompanied us throughout our mission and assisted us day and night in preparing, carrying out and reporting on the visit. I should also like to thank Ms. Carole Davis of the Secretariat. Thanks to her, we have a great deal of documentation on Tokelau today.

The Chairman *(interpretation from Spanish):* On behalf of the Special Committee, I thank Ambassador Ardhaoui for his interesting introductory remarks. I also wish to express our appreciation to the members of the Visiting Mission for their work. Our appreciation also

goes to the Government of New Zealand, the administering Power, for its continuing cooperation in our work and in particular for enabling the Committee to secure further first-hand information on the Territory and to hear the views of the people of the Territory regarding their future status.

Mr. Samana (Papua New Guinea): Allow me first to express my gratitude to Ambassador Ardhaoui, the leader of the Visiting Mission to Tokelau, for his eloquent and detailed description of the Committee's report and findings. I also wish to extend similar appreciation and gratitude to the other members of the Visiting Mission to Tokelau for their understanding and support.

Your leadership and understanding, Sir, as well as the understanding of this important Committee are highly valued and greatly appreciated by many of our island communities which have gained independence. They are particularly appreciated by the people of Tokelau. I also express my delegation's appreciation of the work of the Secretariat, whose professional advice and assistance have resulted in the report before us.

In essence, the report highlights the plight of an autochthonous people endeavouring to assume greater political autonomy in the face of a limited resource base and increasing modern demands for improved social and economic services. From our time on the atolls, though limited, our discussions with the people and our observation of the physical nature of the islands, we have come to appreciate better Tokelauans' concerns deriving from their own direct experience of their vulnerability to harsh climatic conditions and the limited choices imposed by the facts of geographic smallness, sheer isolation and other factors that were highlighted by our Chairman.

The Tokelauans have a very strong and unique cultural base, which continues to shape the manner in which they organize themselves and conduct their affairs. Whatever change comes, be it political or economic, it is their strong wish and desire that their cultural base shall continue to provide strength, solidarity and identity for their people. It will also continue to guide them in the process of government, public administration and the shaping of Tokelau's future constitution.

These factors, as described, form the basis of their rationale for approaching the question of political autonomy cautiously and within the overall framework of a continued relationship with New Zealand. The details of any framework for a continued relationship between Tokelau and New Zealand are a matter for Tokelauans to shape as they move towards the conception of their constitution.

As to the practical means of Tokelauans' establishing and assuming political autonomy, a number of pertinent questions need to be raised as a matter of interest for this Committee and for the consideration of the administering Power. We witnessed the functioning of the emerging political institutions in the form of the General *Fono*, playing the role of a de facto parliament or legislature, and the Council of *Faipule* as the de facto cabinet. we are told by the administering Power that their powers are extended by regulation emanating from the Tokelau Act. The exact nature of these powers in relation to the different functions and responsibilities of ministers, or the Council of *Faipule*, and to what extent they could exert political influence on public policy or engage in the legislative process, will evolve over the course of time. What will happen, I suppose, is a gradual devolution of power within a certain time-frame.

Given this Committee's mandate to achieve the goal of eradicating colonialism by the year 2000, the question of time-frame has been raised, and is also being raised today, with respect to Tokelau. However, it is understood that a time-frame set by the United Nations is considered a general goal rather than a specific condition to be met by the Tokelauans.

Tokelau's approach to assuming internal self-government, with extraterritorial responsibilities in terms of international affairs, defence and so on, to be shared or handled by New Zealand, appears to be slightly - and I stress "slightly" different to the concept of what we understand as free association or integration with an independent State. Such a notion of a political status, with limited self-government or without full independence, raises obvious questions with regard to United Nations norms relating to the concept of self-determination and the objectives of Trusteeship Agreements, in particular with reference to General Assembly resolution 1514 (XV) of 1960.

My delegation, however, on the basis of the consultations with the people and the administering Power, and as a member of the United Nations Visiting Mission to Tokelau, wishes to state confidently that the people of Tokelau, through their leadership and the Government of New Zealand, are capable of forging a new and unique relationship which could make a positive contribution towards decolonization in the context of the particular socio-economic conditions of small island communities.

Mr. Bangali (Sierra Leone): I should like to register my delegation's and my personal appreciation to the Government and people of New Zealand for their hospitality to us, the members of the Visiting Mission, and to convey to the people of Tokelau on all three atolls our gratitude for their refreshing and warm hospitality to the visiting team.

The visit was, for me, a one-time opportunity to go to that part of the world, particularly Tokelau, and for this I should like to convey my appreciation to the members of the African Group for according me the chance to make the trip. It was for me a very rich and rewarding experience. I also wish to commend the Chairman of the visiting team for the quality of leadership he demonstrated and the other members of the Visiting Mission for what I would call a demonstration of the spirit of team work.

Mr. Seniloli (Fiji): My delegation wishes, through you, Sir, to thank the Mission members for visiting Tokelau on our behalf and for the very hard work that was done to enable the report of the Mission to be submitted at this time. The report is excellent, as it tells us very clearly the thinking, concerns and aspirations of the people of Tokelau in their journey towards self-determination. Their readiness to assume more responsibility in their internal self-government and their determination to build a strong and diverse economic foundation before taking the final decision on self-determination are sound.

My delegation is impressed with the National Strategic Plan, which, among other things, emphasizes the preservation of the values, beliefs and cultures of Tokelau, in that all undertakings in Tokelau would be planned to meet the expressed wishes of the people while preserving the rights of all individuals. My delegation also takes note of the fact that the act of self-determination is now under active consideration by the people, who have a strong preference for a status of free association with New Zealand.

At this point, my delegation wishes to recognize and thank the Government of New Zealand for inviting the Mission, for its commitment to encouraging the setting-up of the political and economic institutions of Tokelau, and for its willingness to allow the constitutional development of the Territory to proceed at a pace agreeable to the people. In view of all these positive developments, my delegation wishes to recommend that we adopt the report of the United Nations Visiting Mission to Tokelau, 1994.

Ms. Mackenna (Chile) *(interpretation from Spanish)*: I shall be brief. I simply wish to associate myself with the statements of my colleagues who participated in the Visiting Mission to Tokelau. I should like first to thank the Government of New Zealand and the people of Tokelau for the hospitality extended to us and for making this visit particularly significant. I also wish to thank the Chairman of our Mission, whose wisdom helped him lead it in an outstanding manner; the other members of the Mission; and the Secretariat of the Committee, who accompanied us everywhere and guided the Mission. As a member of the Committee, I can say that it was particularly valuable to be able to see a people such as that of Tokelau clearly express itself in favour of free association with New Zealand and to be able to speak with virtually all the inhabitants of the three atolls. It was a source of satisfaction to the members of the Mission to go there.

Mr. Mwambulukutu (United Republic of Tanzania): I wish to associate myself with the statement of the representative of the African Group, the representative of Sierra Leone, who not only is Vice-Chairman of this Committee but was also a member of the Visiting Mission.

I wish to convey my great appreciation to Ambassador Amor Ardhaoui of Tunisia, who led the Mission and this afternoon presented its report. On behalf of my delegation, I wish to support his observation about New Zealand's exemplary attitude in dealing with the United Nations regarding Tokelau, the Territory which it administers. More importantly, the people of Tokelau themselves know what they want; it was they who permitted this Mission to go to the Territory of their birth. This is a very important development, since for years we have faced the problem of either the non-participation of administering Powers or their reluctance to allow visiting missions to Territories which they administer. The example of Tokelau, and particularly that of the Government of New Zealand, not only in welcoming the Visiting Mission but also in New Zealand's full participation in this Committee's work - I recognize the presence of its Ambassador here - will, we hope, serve as an example to other administering Powers to allow similar missions to visit their Territories.

I also wish to recognize the work of the Secretariat of the Committee of 24 and the effort it has put into keeping the Committee seized of its responsibilities, given by General Assembly resolution 1514 (XV) of December 1960 on the Declaration on the Granting of Independence to Colonial Countries and Peoples. That we are still holding on is proof that this Committee is composed not of monsters, but of well-intentioned member countries that

mean well towards peoples who are still under colonial rule.

I would say at this stage that the report and the pertinent observations made by a number of delegations constitute a solid basis for further consideration of the work ahead of us, in terms of enhancing the constitutional process in Tokelau. The Chairman of the Mission has reported - and his statement has been backed up by many other participants in the Mission - that there are indications that the people of Tokelau would wish to enter into some form of free association with the administering Power, New Zealand. This is welcome, provided that it is decided by the people of Tokelau themselves in line with resolutions 1514 (XV) and 1541 (XV).

With that, I wish to thank all the members of the Visiting Mission and to say that they represented us well. Let us hope that the next Mission will be equally successful.

Mr. Pursoo (Grenada): Like preceding speakers, I would like to express my appreciation to Ambassador Ardhaoui and the entire Visiting Mission for their successful Mission on behalf of the Committee. Let me also thank the members of the Secretariat for the great support work they performed, which also contributed to the success of the Mission. I further convey my appreciation to the Government of New Zealand, in the first place for its invitation to the Visiting Mission, and for facilitating the work of Mission.

As several speakers have said, this was a very important Mission; its report bears that out. I want to stress one reason for this: the Mission to Tokelau will enhance our understanding of the evolving perspectives of this whole issue of decolonization. Given that Tokelau is a small island and that the majority of Non-Self-Governing Territories are small islands, I think we will find that the thinking in several other Non-Self-Governing Territories may be quite similar to that of the people of Tokelau. This increases the importance of the Mission.

I wish once again to commend the members of the Visiting Mission.

Mr. Al-Attar (Syrian Arab Republic) *(interpretation from Arabic):* My delegation is grateful to Ambassador Ardhaoui and to the other members of the Visiting Mission, as well as to the members of the Secretariat staff, for the success of the Mission to Tokelau. That success gives us new hope for cooperation between the Committee and the other administering Powers and Non-Self-Governing Territories.

The wish of the people of Tokelau to enter into free association with the Government of New Zealand could motivate other administering Powers to cooperate with the Committee, for similar wishes would be in the interest of many of them. Hence, with respect to every applicable case on its agenda, the Committee should consider renewing cooperation with administering Powers by supplying them with copies of the report, and of the resolution we will be adopting, and inviting them to cooperate with the Committee. Perhaps the Committee could complete its consideration of the other Territories by next year, thus making the 1990s a true decade of decolonization.

I renew my thanks to the members of the Visiting Mission for their success and my hope for future success by the Committee itself.

Mr. Keita (Mali) *(interpretation from French):* My delegation apologizes for its late arrival today, which made us miss most of Ambassador Ardhaoui's statement, as Chairmen of the Visiting Mission. None the less, we have some questions based on the few sentences we heard.

First, however, my delegation is pleased to congratulate the members of the Visiting Mission to Tokelau and to thank the Secretariat for its usual good work; we also thank the Government of New Zealand for having agreed to carry out its responsibilities. There have been references to the culture of Tokelau; our African culture teaches us that we should congratulate people not on doing their duty, but on doing it well. It seems to us that New Zealand indeed has done its duty well by receiving the Committee's Missions in accordance with the Charter, while other administering Powers refuse to do so. My delegation understands that the Mission went very well, which is a source of satisfaction for the members of the Committee and, through them, for the entire United Nations. Hence, my delegation hails this initiative, the way in which it was carried out, and the conclusions to which it led.

As I said, my delegation has a few questions. We would have liked to receive the relevant documents far earlier than today; perhaps the Secretariat will inform us that they were indeed distributed to members earlier. My delegation received the invitation to attend today's meeting, but not copies of the reports, to study in advance. Perhaps they were not distributed within my Mission; in that case

it would not be a matter for the Committee, but only an internal problem.

My first substantive question is this: As the Mission obtained a copy of the National Strategic Plan, which the report says, in paragraph 102, the Mission noted and studied carefully, would it be possible for copies to be distributed to members of the Committee? As the report says, in the same paragraph, this is a "document of great importance", and we would be eager to see it.

Secondly, we note that the three branches of governmental power are the legislative, the executive and the judiciary. With respect to Tokelau's independence, Ambassador Ardhaoui has referred to independence in the legislative, executive and fiscal and monetary areas. "Fiscal" does not necessarily refer to currency, of course; it may be that the same currency is used in New Zealand and in Tokelau; I do not know. I should like to know what this fiscal independence means.

Also, how will the power of the judiciary be exercised? I have examined the report; paragraphs 25 and 26 of the declaration delivered by the *Ulu-o-Tokelau* refer to how the judicial system has been constituted since 1986, and I would like to know how judicial power is exercised in the Territory and, above all, how it will be exercised when free association comes into effect.

It has been said that foreign policy and defence will remain in the hands of New Zealand, and my delegation would also like to know how the Mission can recommend, in paragraph 118, that

> "the administering Power, upon Tokelau's request, should facilitate its admission to membership or associate membership in the various specialized agencies and regional organizations".

But we are told that foreign policy and defence will be in the hands of New Zealand. How can the independent country of Tokelau exercise international sovereignty? Would New Zealand recruit Tokelauans to guide the country's foreign and defence policies? My country experienced colonization, but not in this form. How will Tokelau be represented at the international level, including in regional forums, once it has entered into free association with New Zealand, specifically from the diplomatic standpoint?

Having posed its questions, my delegation reiterates its thanks to New Zealand for having agreed to this initiative. It is our hope that this will be the Committee's penultimate Mission to the Territory. Although some may say they are not concerned about the length of the transition to independence or free association, it is our objective that this situation should be resolved, worldwide, by the year 2000.

Mr. Ardhaoui (Tunisia), Chairman of the United Nations Visiting Mission to Tokelau, 1994 *(interpretation from French)*: I shall do my best to respond to the questions raised by my colleague from Mali. He was right to bring up the National Strategic Plan, because it is a critical document for the people of Tokelau. It was painstakingly prepared, and covers the whole gamut of the concerns of the people of Tokelau: their present and future, their outlook, their concept of everyday life, their philosophy. The National Strategic Plan is a charter and a code of conduct, but it is also a philosophy for the present and for the future. I did not mention this important matters because I was merely introducing the report of the Mission.

Members of the Mission did indeed receive copies of this critical document. I believe that the Secretariat has a copy as well, and I hope that it will respond to the request of the representative of Mali by distributing copies to all members. If the Secretariat does not have a copy, I could, as Chairman of the Mission, arrange for distribution.

Our colleague from Mali also asked how a country could not enjoy full executive, legislative and judicial powers, and he referred to the national currency. The latter is a simple matter: the currency of New Zealand is used in Tokelau. With respect to executive, legislative and judicial issues, preparations are under way. Meetings are being held in Tokelau, involving the people - or their representatives. There is already a kernel of a judiciary, thanks to the support of New Zealand and thanks to the preparation of a penal code. The judicial branch is being formed; a portion of the judicial power already exists.

The same is true for the executive branch. As members know, the Tokelau atolls are governed by a hierarchy, which can be considered an executive, led by the General *Fono*, or Council, presided over by the *Ulu-o-Tokelau*, to whom I referred in my statement. The presidency of the country's highest authority, the General *Fono*, rotates annually among the three major islands. As well as the General *Fono* there are the Councils of Elders, the *Taupulega*, one for each of the three atolls, which select nine representatives from each atoll to serve on the General *Fono*. There are also the *pulenuku* representing the local authority, the equivalent of city hall. Clearly, then, executive personnel are already in place. So, the

people of Tokelau are now preparing all these powers - executive, legislative and judicial.

My friend from Mali observes that this is not independence. We are no longer talking about independence here.

In my view, since our friends from Tokelau clearly stated that they are moving towards free association and did not speak of independence, the areas of foreign relations and defence will be in the hands of New Zealand.

Lastly, our colleague from Mali referred to paragraph 118 of our report. Since Tokelau will not have to represent itself in terms of foreign relations, it goes without saying that it is the administering Power that will be requesting admission of the Territory to regional or international organizations. Moreover, Tokelau already participates actively in certain Pacific bodies.

The Chairman *(interpretation from Spanish):* Does any member of the Visiting Mission wish to expand on what the Ambassador has said with regard to the questions of our colleague from Mali?

Mr. Samana (Papua New Guinea): With respect to the question of the judiciary, through the New Zealand Government a Law Commission has already been established to take care of the judicial process at the lowest local level. Anything higher than that is relayed to the higher courts of New Zealand.

As to when Tokelau becomes independent or self-governing - self-governing, in free association with New Zealand - the judicial process will follow accordingly. The lowest level of the court system will be set up by whatever form of ministerial services are provided to interpret the laws in accordance with the traditional values and customs of the people. Anything above that will go through, and link with, the higher courts of New Zealand.

With regard to the question of international personality, any self-governing State can still have and exercise international personality, working through the overall concept of free association with New Zealand. It will not lose international personality.

Mr. Bangali (Sierra Leone): What came out very clearly during our discussions on all three atolls was that the leaders, or the elders, have a very firm grip on their communities in terms of meting out justice, the punishment of crime and so on. What they expressed concern about was outside influences on the three villages. They are of the view that unless they continue to exert firm control on the populace, Tokelauans returning from abroad are bound to bring external influences or habits that are unknown to the people living in the Territory.

Also, during our discussion in Wellington with the Law Commission, we were told that New Zealand has some experience in this sort of matter; it can draw upon its previous experiences in Nioue and the Cook Islands. But the members of the Commission made it clear that New Zealand was not going to impose its laws upon the people of Tokelau. It will try to formulate a system of law specific to the needs of the people of Tokelau.

It was very clear that the elders - particularly the *Faipule* - have firm control over everybody in that Territory, irrespective of whatever laws are promulgated in the future.

Mr. Samana (Papua New Guinea): When the Tokelauans refer to defence concerns, they are not talking about building a big army and getting ready for a fight or defending themselves against an enemy; they are talking about protection of their marine resources, because the sea that surrounds the islands extends for a vast distance.

The Chairman *(interpretation from Spanish):* I now call on His Excellency Ambassador Colin Keating, Permanent Representative of New Zealand, the administering Power.

Mr. Keating (New Zealand): I should like to thank you very much, Mr. Chairman, for this opportunity to address the Committee. This is a very important occasion for us, and we very much appreciate the constructive and thoughtful contributions that have been made by all the members of the Committee today.

I also want to pay a special tribute to the Chairman and the other members of the Visiting Mission, not only for the time they took to go to a very far-away place, but also for the dedication and courage which they showed. We know all too well the hardship of visiting such a small and remote place, and we are very grateful that members of delegations, ambassadors and representatives here in New York would take the time to go to the South Pacific, to Tokelau, to participate in this Visiting Mission.

I think that 1994 will be seen as an extremely important year in the modern political history of Tokelau. We have seen the development of institutions of

self-government that did not exist before in the atolls. There has been a readiness amongst the people of Tokelau to address fundamental matters of future economic and political development. And we see also a recognition of the links between economic and political self-reliance. In the particular circumstances of Tokelau, these are substantial and innovative developments.

It was against this background and within the framework of our historical commitment to the implementation of United Nations principles on self-determination that my Government extended an invitation to this Committee to dispatch a Visiting Mission to Tokelau, the fourth that the Committee has sent to Tokelau. New Zealand was very pleased to be able to facilitate that Mission, which took place in July and which subsequently visited New Zealand.

We welcome the comprehensive report that the Mission has prepared. This is an important document, which warrants close reading. It is helpful, of course, to study it against the background of the statements which were made to the Committee in May by the Administrator of Tokelau, representing the administering Power, and also by the Special Representative of the Council of *Faipule* of Tokelau. Those statements, in turn, elaborated on information which had been formally transmitted earlier to the United Nations by the New Zealand Government.

In all of these statements, New Zealand has clearly indicated its willingness to honour its obligations - to the United Nations and to the people of Tokelau. We are committed to supporting Tokelau on its voyage of self-determination, just as we supported the Cook Islands in 1965 and Niue in 1972 in their acts of self-determination. Tokelau has worked hard and diligently to set a direction and a likely destination - self-government in free association with New Zealand - and now we face the challenge of how to get there.

Members of the Visiting Mission have gained an invaluable first-hand perspective. They have seen the impact of remoteness, tiny physical size and scarce natural resources. More personally, they have become adept at leaping from whaleboats to ships in heaving seas and drenched by driving rain. They have seen the unique character and special strength of the three villages of Tokelau. So they better understand the nature of the challenge to build national structures and fully empower the people to make decisions on behalf of Tokelau.

This last point must be underlined. Tokelau differs enormously from the Cook Islands and Niue. There had been no single administrative centre on the atolls. Each atoll has traditionally run its own affairs along traditional lines for centuries, largely undisturbed, and the Tokelau Public Service, unusually, had been located until very recently in another country. Making that Public Service accountable to a responsible political Government in Tokelau has been a significant new task.

But as I have outlined, and as the members of the Visiting Mission have seen, very significant progress in that regard has now been made. New Zealand will continue to help Tokelau to manage the political evolution which is under way. The steps which lie ahead as Tokelau prepares for its act of self-determination will be taken carefully and with due deliberation. Tokelau will learn from experience, gain a fuller measure of confidence and inject its character into its institutions and processes at the national level.

My delegation is pleased to inform the Committee of some recent developments. First, as a follow-up to the Visiting Mission in July, the Council of *Faipule* formally conveyed to the New Zealand Government their submission, the "Voice of Tokelau", which had been made earlier to the Visiting Mission from the United Nations. They sought in that context the early start of a dialogue with the Government of New Zealand on what they called the "prerequisites to self-determination" as set out in their document (A/AC.109/2009, annex I, para. 38). Secondly, the Council of *Faipule* will be in New Zealand for a visit which starts on 28 September. This will be an important working visit which will enable New Zealand and Tokelau to establish more clearly the framework within which Tokelau will prepare for its act of self-determination.

Clearly, the details will have to be filled in, but the Visiting Mission knows from its discussions in Wellington that the New Zealand Government is willing to accept the wishes of the people of Tokelau - whatever they may be - that New Zealand should have a continuing relationship with Tokelau after self-determination and that this will involve the provision of broad-ranging assistance by New Zealand.

In conclusion I wish to reiterate that my delegation is pleased that the Visiting Mission had a successful visit to Tokelau. We pledge our continuing cooperation with this Committee as it discharges the mandate entrusted to it by the General Assembly.

The Chairman *(interpretation from Spanish):* I now call on the Chairman of the Visiting Mission to introduce draft resolution A/AC.109/L.1825. I remind the Committee that by adopting the draft resolution we shall at the same time approve the report.

Mr. Ardhaoui (Tunisia), Chairman of the United Nations Visiting Mission to Tokelau, 1994 *(interpretation from French):* Allow me at the outset to thank the Ambassador of New Zealand for his kind words and, above all, for the confirmation he has just given us of his Government's good intentions. As he has just stated, during our visit his Government indicated its readiness fully to support Tokelau, whatever its choice of future status. As Chairman of the Visiting Mission, I must say that we deeply appreciate that attitude and the confirmation we have just received. All the members of the Visiting Mission sensed among Tokelauans an awareness of the importance of the support and assistance they have received from New Zealand. The representatives of the people of Tokelau hope that this support will continue.

To conclude our debate on the report of the Visiting Mission, I should like to add that the people of Tokelau also greatly appreciate the efforts made by the United Nations, particularly the work of the United Nations Development Programme (UNDP). We were welcomed to Apia, Western Samoa, by the UNDP Resident Representative and we held meetings with all the representatives of United Nations bodies in Apia that are in direct contact with Tokelau. The report contains a detailed account of what United Nations specialized agencies and organizations are doing or trying to do.

But what I wish to do is to convey the feelings of the members of the Visiting Mission and of the people of Tokelau, who expect greater efforts still - from the administering Power and from United Nations bodies. We ourselves, as Members of the United Nations, consider that the Organization should do far more for the Territory, especially as regards communications.

Like the representative of New Zealand, we noted how hard it is to reach this Territory. I believe that this is the big problem and that United Nations specialized agencies and organizations - UNDP in particular - should make a special effort to meet the needs of the people there.

Before introducing the draft resolution, I should like to ask the following questions: What should be done now that the people of Tokelau has declared its chosen path in defining its future? What must the United Nations do if it is to continue to accompany this people, so to speak, on its journey to self-determination? This is a question that might be raised during the next session. The Committee must draw up a plan of action now that we know the choice that has been made. What will the United Nations do? What will its role be now that the two parties involved - New Zealand and Tokelau - have stated what they have to do in the coming years?

I turn now to the draft resolution. As members will have noted, this is not a traditional draft resolution; it breaks with routine. We wanted to avoid the wording of prior resolutions and to bring in new elements arising from the conclusions of the Visiting Mission. Hence, we have tried in this text to keep to the essentials. We might of course have referred to the efforts of the United Nations Development Programme, the United Nations itself and the administering Power, but we felt there was little value in including all such references. The essential point is the option chosen by the population of Tokelau: free association with New Zealand.

As members can see, the draft resolution is clear. Paragraphs 4 and 7, which are perhaps the most important, show that the people's wishes have been clearly expressed. We speak of their strong preference for free association and stress the willingness of New Zealand to help them realize their aspirations.

The Chairman *(interpretation from Spanish):* Are there any comments or proposals to amend the draft resolution?

Mr. Pursoo (Grenada): I would like first to commend the Visiting Mission for this draft resolution, which was very skilfully prepared and which I think deserves the approval of the Committee. I note that two preambular paragraphs are in square brackets, and I wonder whether this might not be the appropriate time to remove them, as the Committee has now heard the statements of the Chairman of the Visiting Mission and of the representative of New Zealand.

My second comment relates to paragraph 3, which states that for the first time Tokelau came together as one people and nation. I wonder whether we really need that paragraph, even though its observation is factual.

By paragraph 8 the Committee would endorse the recommendations contained in the report of the Visiting Mission. As the representative of Mali said earlier, many of us are seeing the report for the very first time today.

While we believe we can live with everything in the report and while we commend the report, it would be difficult for us to endorse something that we have not yet had the time to read. For that reason, I wonder whether an amendment could be made enabling us to approve the report without actually saying that we endorse its recommendations.

The Chairman *(interpretation from Spanish):* The square brackets will indeed be removed from the text of the draft resolution; the paragraphs in question were drafted before the Committee had heard the statements to which they refer. Ambassador Ardhaoui may wish to respond to the other points raised by the representative of Grenada.

Mr. Ardhaoui (Tunisia), Chairman of the United Nations Visiting Mission to Tokelau, 1994 (interpretation from French): Let me offer a clarification in response to the statement of the representative of Grenada, in particular with regard to paragraph 3. It was included because it addresses a hard fact: earlier United Nations Visiting Missions to Tokelau visited the three atolls as separate entities. They heard officials of the three atolls separately, and in a divided manner. In the declaration read out by the *Ulu-o-Tokelau*, which is annexed to the report of the Visiting Mission, we were informed specifically that this time the Mission was being received by the entire people and nation of the three atolls. It was stressed in the presence of representatives of all three atolls that the Visiting Mission was being addressed by one people and one nation. This is very important for the future of Tokelau. It is no longer a case of three atolls separated by the ocean; rather, it is a case of three united atolls as one people and one nation. That is why I think we must retain paragraph 3; it is very important, not only for the Committee, but above all for the population involved.

I do not want to address the point relating to paragraph 8; individual delegations will wish to state their own position on that.

Mr. Bangali (Sierra Leone): With respect to paragraph 3, while I endorse the explanation given by the Chairman of the Visiting Mission, I wish to say that it might be useful to move that paragraph from the operative part to the preambular part of the draft resolution. We might also remove the words "with appreciation", because I do not think they play a key role in the paragraph. We can indeed note that the Tokelauans were speaking to the United Nations for the first time as a nation, but I am not sure that we need to over-emphasize that point by including the words "with appreciation".

The Chairman *(interpretation from Spanish):* The Vice-Chairman, the representative of Sierra Leone, has made a suggestion with respect to paragraph 3 in response to the proposal of the Ambassador of Grenada. Does any member of the Committee wish to comment?

Mr. Moreno Fernández (Cuba) *(interpretation from Spanish):* It seems to me that our colleague from Sierra Leone has suggested a formula that might help us reach a consensus decision at this meeting. I believe that it is important that the paragraph be kept, as Ambassador Ardhaoui has said. Perhaps we could move it to the preamble, as it would be just as valid there in the operative part.

Secondly - and here I echo the doubts expressed by the Ambassador of Grenada - perhaps paragraph 8 should read simply:

(spoke in English)

> "Approves the report of the United Nations Visiting Mission to Tokelau, 1994."

(spoke in Spanish)

By approving the report, we would, logically, be approving every part of it. Therefore, the second part of this paragraph is repetition, and my delegation does not regard it as essential. The important thing is to approve all the parts of the report of the Visiting Mission.

If such a formula is acceptable, we can perhaps move forward with the work of the Committee.

The Chairman *(interpretation from Spanish):* We have two specific proposals. The representative of Sierra Leone suggests that we move paragraph 3 to the preamble. The representative of Cuba suggests that paragraph 8 be shortened to read:

> "Approves the report of the United Nations Visiting Mission to Tokelau, 1994".

I invite members to express their views on these two proposals before we take a decision.

Mr. Ardhaoui (Tunisia), Chairman of the United Nations Visiting Mission to Tokelau, 1994 *(interpretation from French):* I have taken due note of the interventions by the Ambassador of Grenada and my friends from Cuba and Sierra Leone. As long as the idea underlying paragraph 3

remains in the draft resolution, I think that, with the approval of the other members of the Visiting Mission, I would agree to move paragraph 3 to the preamble.

As regards paragraph 8, it is true that if we approve the report, it follows that we approve everything in it. I, therefore, have no objection to deleting the second part.

Mrs. Khan-Cummings (Trinidad and Tobago): I agree with the proposal made by the representative of Sierra Leone, but where in the preamble to the draft resolution does he wish us to move paragraph 3?

Mr. Keita (Mali) *(interpretation from French)*: We have noted that ours is not the only delegation that has not yet read the documents, as the Ambassador of Grenada pointed out. As we try to follow the proposals by reading the preamble quickly, we too wonder where it is proposed to put operative paragraph 3.

However, we are not in favour of moving the paragraph, because inclusion in the operative part is intended to highlight the importance of a statement. The importance of what is said in paragraph 3 is obvious: this is the first time that the Tokelauans have spoken with one voice. It really is important enough to be highlighted. My delegation would therefore like the sentence to remain where it is, as that gives it much more emphasis. It reflects a truth that we find most gratifying, because the population of Tokelau is already uniting to face its future, speaking with one voice, which we and the United Nations must welcome. It seems to my delegation, therefore, that we should take this opportunity to do so.

As for the second proposal, by Cuba, to delete the second part of paragraph 8, beginning "and endorses the observations", it is true that adopting the entire report means adopting everything in it. However, this is a traditional formula which we find in many other texts. My delegation does not see why it should be deleted here, particularly since it gives a form of emphasis, since this is its rightful place and since there is no problem over the length of the text.

My delegation is therefore in favour of keeping the two paragraphs as they are and where they are.

Mr. Bangali (Sierra Leone): In reply to what my colleague from Mali has just said, I fully endorse the proposal made by our colleague from Cuba. The report is to be taken as a whole. Paragraph 8 states that we approve the report and endorse the observations, conclusions and recommendations, yet they are all in the report. Therefore, I support the proposal to delete the words in paragraph 8 after "1994".

I suggest that we move paragraph 3 from the operative part to immediately after the sixth preambular paragraph, where there is mention of having examined the report of the United Nations Visiting Mission.

We would not be taking away from the importance of what is stated in the paragraph by moving it to the preambular section. My suggestion was a reaction to Ambassador Pursoo's that we delete it, but I endorse the explanation by the Chairman of the Visiting Mission that it is important that the Tokelauans spoke as a country to Members of the United Nations for the very first time.

I agree that that is important, but I do not think we should over-emphasize its importance. That is why I thought it proper to move the paragraph into the preambular section, drawing attention to specifically what the Ambassador wanted the Committee to know: that is, that the Tokelauans were speaking to us for the first time as a nation. We are not minimizing the importance of that paragraph at all by moving it to the preambular section. If anything, we are drawing attention to it by putting it there.

Mr. Goel (India): I do not know if I can resolve the differences between our delegation and other delegations about the placement of paragraph 3, but I agree with the representative of Sierra Leone that by placing paragraph 3 in the preambular part we are, in fact, establishing a logical sequence, emphasizing the genesis of the entire resolution, which is that for the first time the people of Tokelau spoke with one voice. I suggest that we place this paragraph immediately after the third preambular paragraph, which says:

> "Cognizant of the three options ... contained in ... resolution 1541 (XV) ...".

When the people of Tokelau, in exercise of any of those three options ... speak with one voice, they say something to the Committee, and I think all of the recommendations thereafter follow from that one fact. Therefore, that fact is highlighted as one important thing which gives rise to the new kind of resolution that we are adopting.

As for paragraph 8, I fully agree that deleting the second part, so that it would read

"Approves the report of the United Nations Visiting Mission to Tokelau, 1994",

would cover everything. In fact, that is the accepted format in most resolutions. We do not go into the different components of a report; we simply approve the report.

Mr. Moreno Fernández (Cuba): Excuse me for speaking in English, but we are discussing the matter in English. As I always say, this does not mean a language concession on my part.

Placing operative paragraph 3 in the preambular part would have an additional advantage. Paragraph 2 expresses "deep appreciation to the *Ulu-o-Tokelau*". Then in paragraph 4 we are taking note "of the solemn declaration read by the *Ulu-o-Tokelau*". That means that paragraph 3 is really breaking the sequence, the order in which the paragraphs should appear in the operative part of this draft resolution. Thus, even if I do not have any preference one way or the other, I really think that moving this paragraph to the preambular part, either to the place proposed by the representative of Sierra Leone or to the place proposed by the representative of India - I would have no preference - would improve our draft resolution.

At the same time, despite what my colleague and friend from Mali has said - namely, that this formula, as it appears now in operative paragraph 8, has been used - I would like to remind him that discussion of whether or not it is appropriate to start identifying specific parts of reports that are being approved or endorsed by parent bodies is a very old one. I really think that it would be better not to repeat that discussion. Hence, I wish to reiterate my proposal that we conclude paragraph 8 immediately after "1994," for the reasons I have already given.

The Chairman *(interpretation from Spanish)*: I believe that the proposals made by Sierra Leone and Cuba, on the basis of the ideas of the Ambassador of Grenada, have found support among the majority of the members of the Committee. I do not believe that moving paragraph 3 to the preambular part would in any way detract from the importance of the idea which that paragraph expresses; on the contrary, in a way it could even emphasize the importance of the historic fact that - as the members of the Visiting Mission, in particular Ambassador Ardhaoui, have stated - for the first time, the people of Tokelau have expressed themselves unanimously as one nation in their dialogue with the Visiting Mission, and that the decision to speak with one voice and as one nation was made by the people of Tokelau themselves, the nation of Tokelau itself.

I believe, moreover, that the fact that in paragraph 8 the report is approved as written means that it is approved as a whole, and that all parts of this report are strengthened by the Committee's approval of the report as a whole.

The draft resolution and the report deserve to be approved by the Committee as a whole, because of the importance of the subject; because of the seriousness, responsibility and efficiency of the work of the Visiting Mission, ample evidence of whose positive work on behalf of our Committee we have heard today - even though we are dealing with a case that is, unfortunately, exceptional; and because the cooperation of the administering Power has been very clear and positive - I repeat, very positive.

That is our appeal to all the members of the Committee. Of course, there is no question of assailing in any way the decision-making power of the members of the Committee or their power to voice their views or express them by the vote, if a vote is requested for the adoption of this draft resolution. Thus, I repeat: because of the importance of the subject, the results and the great efforts of the Visiting Mission and the special nature of the cooperation with the administering Power, we call for the adoption of the draft resolution and for the acceptance of the proposals of the representatives of Sierra Leone and Cuba, on the basis of the suggestions made by the Ambassador of Grenada, all of which, as has been said by the members of the Committee who have spoken, enjoy majority support.

Mr. Pursoo (Grenada): Let me thank my friend Ambassador Ardhaoui - and I stress "my friend" because I realize the Ambassador spoke of the Ambassador of Grenada and his friends from Sierra Leone and Cuba, and I do not wish to be excluded from such a prestigious category. So I say that I thank my friend Ambassador Ardhaoui for his kind consideration of the questions that I raised. I am very pleased with his explanation, which enabled me to appreciate how much it meant to the officials in Tokelau to have this expression recorded in this text.

Of course, I am very pleased that my other friend, from Sierra Leone, has suggested that we move it into the preambular part of the draft resolution. I would only like to ask that the Committee give consideration to "taking note" rather than "recognizing", because I think that, as my other friend, from Cuba, said, if we "take note" here it will tie in with operative paragraph 4 very nicely, and so if we

made this the fourth preambular paragraph, we could say "Taking note", and that would tie in with operative paragraph 4, which also "Takes note".

Mr. Moreno Fernández (Cuba): As I said before, I have no specific preference. I understand the arguments just voiced by Ambassador Pursoo, who is my friend, incidentally, and we could probably find a middle ground that would be more acceptable to everybody. In the fourth paragraph of the preamble, we could perhaps say:

"Taking note with appreciation".

That would come at the very beginning of this paragraph, which, as we have already agreed, would be moved to the preamble. The word "Recognizes" would be replaced by the words "Taking note". That preambular paragraph would read:

"Taking note with appreciation that, for the first time, Tokelau came together ..." and so on.

In that way we would be giving the matter the significance that Ambassador Ardhaoui and Mr. Bangali of Sierra Leone have accorded it in their respective statements.

The Chairman *(interpretation from Spanish):* Considering the friendship that unites us all, as is reflected in the comments that have been made here, would it be possible for us to approve this draft resolution on the basis of this proposal? I take it that the Committee understands the proposal regarding the placing of paragraph 3 in the preamble, and understands how paragraph 8 would now read.

Could we have the support of the members of the Committee? Are we in agreement?

Mr. Keita (Mali) *(interpretation from Spanish):* Mr. Chairman, could I please have clarification on where this paragraph should be placed and where exactly it will fit in?

Mr. Moreno Fernández (Cuba) *(interpretation from French):* I believe the Indian delegation has proposed a revision in four parts. The first is that we place the former operative paragraph 3 in the preamble as the fourth preambular paragraph. Secondly, we would eliminate the brackets from the two preambular paragraphs that now have brackets. Thirdly, the present operative paragraph 3 will be removed from the operative part. Fourthly, paragraph 8 will end immediately after its first phrase, ending "1994". That question is completely separate, referring to the report.

As I see it, these are the four amendments that would need to be made to the draft resolution in order to ensure that it can be adopted by consensus.

Mr. Keita (Mali) *(interpretation from French):* My delegation will go along with this once it is adopted, but when there are revisions like this it would be helpful if we could be told exactly where they should be placed. Otherwise, it is not very clear, especially when several different proposals are being made.

The Chairman *(interpretation from Spanish):* May I take it that the draft resolution contained in document A/AC.109/48/L.1825, as orally amended, is adopted?

Draft resolution A/AC.109/48/L.1825, as orally amended, was adopted (A/AC.109/2010).

The Chairman *(interpretation from Spanish):* Before we move on the next item, I should like once again to express the Committee's deep appreciation to the Visiting Mission for the enormous effort made and for very efficient work done in fulfilling this task of the Committee. I want to express the Committee's thanks to each and every member of the Visiting Mission, and especially to its Chairman, Ambassador Ardhaoui.

I also wish to express the appreciation of the Special Committee for the cooperation extended to it by the Government of New Zealand in relation to its consideration of the question of Tokelau. We look forward to the continued close association of New Zealand in our work with a view to the speedy exercise by the people of Tokelau of their inalienable right to self-determination in accordance with the United Nations Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples.

I believe I am reflecting the feelings of all the members of the Special Committee in saying that we hope that the other Administering Powers will follow the example of New Zealand and resume their active cooperation with our Committee.

The Committee's consideration of the question of Tokelau is thus concluded.

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the Specialized Agencies and the international institutions associated with the United Nations (A/AC.109/L.1824, L.1826; E/1994/114; A/49/216 and Add.1)

The Chairman *(interpretation from Spanish)*: As I stated at our last meeting, on 15 July 1994, and in accordance with established practice, I participated in the meetings of the Economic and Social Council held in July during the discussions of the item relating to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations.

The item was considered by the Council between 23 and 29 July 1994. The Council had before it the report of the President of the Economic and Social Council contained in document E/1994/114, as well as the report of the Secretary-General on the question, contained in document A/49/216 and Add.1.

In my statement on that occasion I drew the attention of the members of the Economic and Social Council to the need for the United Nations to reach the target set by the General Assembly in resolution 43/47 on the International Decade for the Eradication of Colonialism. I also reaffirmed this Committee's conviction that the accelerated economic and social development of the remaining Non-Self-Governing Territories would help their peoples exercise their right to self-determination and independence, and I stressed the role that the specialized agencies and international institutions associated with the United Nations could play in that regard. I informed the Council of the Committee's efforts to assess as accurately as possible the needs and aspirations of the inhabitants of the remaining Non-Self-Governing Territories. I took the opportunity to convey to the Council the views expressed by representatives of the Non-Self-Governing Territories at our recent regional seminars on the different problems affecting their respective economies and on ways to solve them. I also conveyed to the Council one of the main requests by representatives of the Non-Self-Governing Territories, which they have repeatedly made both at the regional seminars and at Headquarters; it is that they be given more opportunities to participate in the work of the specialized agencies and the international institutions associated with the United Nations.

I also gave a brief summary of other requests by representatives of the Non-Self-Governing Territories, and urged the relevant organizations to study those requests with a view to contributing to solving the remaining problems. On behalf of the Committee, I thanked those agencies for their efforts to assist the Territories, and called on them to increase their contributions. I also invited all the agencies to study carefully the Programme of Action for the Sustainable Development of Small Island Developing States, adopted by the Global Conference held in Barbados last May, and urged the specialized agencies and other organizations of the United Nations system to take due account in formulating their assistance programmes, of the Programme of Action, and in particular its application to small island Non-Self-Governing Territories, as it covers all the needs specific to developing island countries.

During the Council's consideration of the item, consultations were held with its members for in-depth analysis of the matter, and to enlist their support for the draft resolution to be considered by the Council. As I have said, I believe the text has been distributed to members of the Committee. During the consultations a few delegations, including several that had voted against a similar text last year, stated their willingness to support the draft resolution at this year's session if certain changes were made. Since the proposed changes did not affect the general thrust of the draft resolution, the sponsors accepted them and they were incorporated into the draft text. The changes are set out in document E/1994/L.29. Thanks to this compromise, the draft resolution was adopted without a vote.

In this connection, I wish to inform members that the last time the Economic and Social Council adopted a resolution on this item without a vote was 14 years ago, in 1980. On behalf of the Special Committee, I wish to express our thanks to all those who took part in the lengthy and arduous consultations undertaken during the Council's consideration of this item, enabling the Council to complete its work in a most satisfactory way.

In connection with the item under consideration, I wish to call the attention of members to the following documents: report of the Secretary-General (A/49/216 and Add.1); report of the President of the Economic and Social Council on his consultations with the Acting Chairman of the Special Committee (E/1994/114) and the related report of the Acting Chairman of the Special Committee (A/AC.109/L.1824); and a draft resolution submitted on this item by the Acting Chairman and distributed on 12 September (A/AC.109/L.1826).

Mr. Pursoo (Grenada): I recall that some time in 1991 a resolution was adopted calling on the specialized

agencies to strengthen the coordination of their activities in support of the Non-Self-Governing Territories. Is that aspect contained in the draft resolution before the Committee? I apologize for not yet having been able to read the documents thoroughly.

The Chairman *(interpretation from Spanish):* That aspect is indeed reflected in the draft resolution; the changes that have logically had to be made over time have of course been introduced. We think, in fact, that this is one of the basic points of the draft resolution.

We shall now take action on draft resolution A/AC.109/L.1826. May I take it that the Committee wishes to adopt the draft resolution without a vote?

Draft resolution A/AC.109/L.1826 was adopted (A/AC.109/2011).

Announcement by the Chairman

The Chairman *(interpretation from Spanish):* Before making a brief closing statement, I wish to inform members of the Special Committee that I have received the text of a petition by Mr. Fermín Baltazar Arraiza Miranda, which was to have been presented during our hearings on the item entitled "Special Committee decision of 15 August 1991 concerning Puerto Rico". Unfortunately, was unable to be present at the hearings, and has therefore requested that his petition be made available to members of the Committee. Copies of the text are available on the table at the side of the Chamber.

The Committee has now concluded its consideration of all the substantive items on its agenda.

Closing of the Special Committee meetings - 1994

The Chairman *(interpretation from Spanish)*: As the work of the Special Committee draws to a close for 1994, may I, first of all, say that it has been a privilege for me to have presided over the meetings of the Committee during a large part of this year.

I should also like to take this opportunity to thank all of you for your dedicated efforts, assistance and cooperation throughout the year. Together, we have devoted great efforts to the achievement of the goals of decolonization for the remaining Non-Self-Governing Territories.

Aware of the unique issues and specific problems affecting the remaining small island Non-Self-Governing Territories, the Committee has continued to review its method of work in the search for greater efficiency and rationalization.

All the members of the Committee have contributed to this endeavour with a spirit of determination and have listened to different views, while keeping paramount in mind the interests of the peoples of the Territories and their representatives. Special emphasis was placed on the specific needs of the Non-Self-Governing Territories and on the welfare of their inhabitants.

Looking ahead, we see one particular area which is of critical importance for our work - and which will continue to require urgent and serious attention, namely the cooperation and participation of the administering Powers in the work of the Special Committee. We continue to attach the utmost importance to the dispatch of United Nations visiting missions to the Territories as a means of securing firsthand information on those Territories. Our recommendations this year reflect the main concerns of the Committee, namely the specific conditions and problems confronting the peoples of the Territories. In order to act on those concerns, it is imperative that we obtain firsthand information and hear the views of the peoples concerned by means of sending visiting missions to the Territories.

The tasks of the Committee with respect to the remaining small island Territories are considerably facilitated when it receives the full cooperation of the administering Powers concerned. In the context of the obligations assumed by those Member States under Chapter XI of the Charter, their cooperation is indeed an essential element in the Committee's formulation of appropriate recommendations concerning specific Territories under their administration. Their participation in our work facilitates the Committee's consideration of these questions, and we urge them to be more forthcoming in their cooperation.

We are almost at the half-way point of the International Decade for the Eradication of Colonialism, which the United Nations is considering as the time-frame for completion of its efforts in favour of decolonization. These can bear fruit only through concrete actions based on proposals responding to the wishes of the peoples of those Territories regarding their future status.

In ensuring the successful attainment of the goals of the International Decade and in accordance with the Plan of

Action, the Committee will continue to carry out the tasks entrusted to it. To that end, and in the discharge of its mandate, the Committee will continue, as in the past, to conduct a thorough review of the issues on its agenda and make appropriate recommendations with a view to revitalizing its work. I remain fully confident that our continuing efforts will yield the desired results.

Notwithstanding the many difficulties that confront the Committee, it should be noted that we have made some progress this year in amending the language of its resolutions. Since the Committee has always tried to work in a spirit of consensus, I sincerely hope that this spirit will continue to prevail in the Committee and in the Fourth Committee of the General Assembly, where the recommendations of the Special Committee will be considered.

As we are about to conclude our work, I would like to express my sincere gratitude to all the members of the Committee. Your cooperation and commitment were particularly important in the carrying out of our common responsibilities. It was indeed an honour for me to preside over our deliberations.

I would like to emphasize the support I received from the Vice-Chairman of the Committee, the Ambassador of Sierra Leone, as well as from Ambassador Ardhaoui and from the Rapporteur, the Ambassador of Syria.

I would like to avail myself of this opportunity to express the appreciation of the Committee for the cooperation of the administering Powers that participated in the work of the Committee. I am also grateful to the specialized agencies that have provided information to the Committee. On behalf of the Committee, I should like to express my profound gratitude to the representatives of Non-Self-Governing Territories, who have travelled a long way to apprise the Committee of the situation in their respective Territories. My thanks go also to the petitioners, who provided us with most valuable information.

I want to thank each and every one of you for your active participation in the work of this Committee. I should also like to convey our appreciation to the Rapporteur of the Subcommittee, the representative of Chile, and to the staff of the Secretariat - interpreters, translators, members of the secretariat of the Special Committee. Very special thanks go to our Secretary, Mr. Abdennour Abrous, who is celebrating his birthday today - and we congratulate him once again - and to Mr. Ozdinch Mustafa for his commendable efforts.

I declare the 1994 session of the Special Committee concluded.

The meeting rose at 5.35 p.m.